

ADR and Self-Represented Litigants

New Documents Provide Guidance on Managing Good Programs

Two new documents developed by the Judiciary are designed to help Maryland circuit courts manage key family programs effectively and ethically. The Conference of Circuit Judges approved both documents at their January meeting.

Family ADR Programs

The *Family Court ADR Program Best Practices* originally grew out of a statewide meeting of family support services coordinators, Family Division administrators, family mediators, and staff of the Department of Family Administration and the Maryland Mediation and Conflict Resolution Office (MACRO). The group envisioned a set of guidelines that would help courts manage family alternative dispute resolution (ADR) programs in a way that would: 1) increase the effectiveness of family mediation and other forms of ADR; and 2) ensure that programs were designed to dovetail with existing standards for mediators and courts.

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Helping Payors Pay Up

Baltimore County Circuit Court Launches Employment Program

Richard Abbott, Family Division Administrator, Circuit Court for Baltimore County

Most parents want to support their children. A parent who is under- or unemployed may not be able to do so. A new court-based program in Baltimore County will help parents ordered to pay child support get and keep employment. As parents benefit, so will their children. The Circuit Court for Baltimore County was awarded a \$150,000 federal grant in July, 2004, to launch an employment and support program for non-custodial parents paying child support in Baltimore County. Under the leadership of Family Division judge-in-charge, Judge John O. Hennegan, the court initiated the Family Employment and Support Project (FESP).

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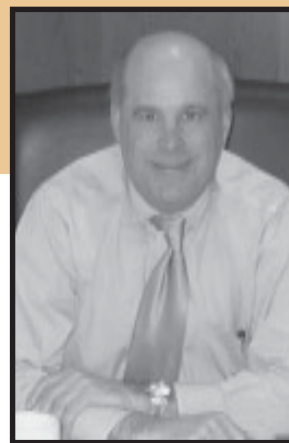


photo by William Marsh

Judge Hennegan

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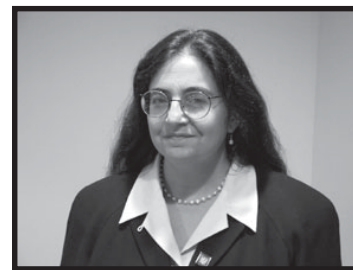
Charting Our Progress

I am a visually-oriented person. I am always creating charts and graphs—in my personal as well as my professional life. God help my children—who have suffered from my perhaps too ‘Skinnerian’ method of child-rearing. They had potty-training charts, music-practice charts—you name it. I acknowledge that this does not always work, but it was all done in the interest of positive reinforcement. And I have to say I come by it naturally. My father once showed me the weight chart he had been maintaining for several years which ran to many, many feet of taped together pieces of graph paper (these were the days before personal computers).

Being a visually-oriented, task-oriented person, a simple “to do” list will not do. So, I have a chart in my office of all the services we offer through the Family Divisions and Family Services Programs. For each type of service, I have a list of issues or items I hope to someday address. Most of these have to do with ensuring that we have the authorization to do what we do, that we have some method for promoting standardization of the service, and that we are promoting the professionalization of the field.

Authorization. When I was a Family Law Administrator, I had one member of the local bar who was forever concerned that in creating services, the court was “rulemaking.” While his concerns were somewhat exaggerated, he did me a favor. He helped me appreciate that, in creating new services for families we need to make sure that we have statutory authority or the rule-based authority for doing what we do. One of the first lessons of law school, of course, is that courts only have the authority given to them by law.

Pamela Cardullo Ortiz,
Executive Director
Family Administration



Standardization. This underappreciated word brings to mind those tests we took as children which required only that you had two shiny, sharpened No. 2 pencils. As unappealing as it may sound, a common set of standards, or a common vision, can help us ensure that citizens across the state have access to the same set of resources, and the same quality of service regardless of where they happen to live, or where their case is being heard.

Sometimes standardization is provided for by rule. For example, the content of co-parenting education courses is prescribed in Maryland Rule 9-204.

Sometimes a common vision will be enough to inspire the creation of programs that adhere to a shared ideal. The newly adopted *Best Practices for Programs to Assist Self-Represented Litigants in Family Law Matters* and *Family Court ADR Program Best Practices* are intended to do just that. They are not compulsory standards. No program will be audited to ensure adherence to those precepts. Rather they are designed to be inspirational—to portray what good programs providing those services look like.

Professionalization. Finally, the creation of Family Divisions and Family Services Programs has resulted in the development of new professional fields, some of which existed before, but some of which have arisen with the development of new services. Those professions include the fields of mediation, forensic

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family matters

We welcome your comments and contributions.

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Nipping Truancy in the Bud

Wicomico Pilot Hears First Truancy Cases

The first two children brought before Wicomico County Circuit Court's new truancy court illustrate why the program is needed, rather than the type of child most likely to benefit. Both were 15-years-old—one a boy, the other a girl. Both had missed almost every day of school since the school year began in September. Both will reach the age of 16 in the near future, after which school attendance is no longer compulsory.

While neither the court nor the school may be able to address the underlying causes of their truancy completely in that amount of time, perhaps it will be enough to re-engage these children in school so that when they are older, they remain engaged voluntarily. Both cases poignantly illustrate how important it is to address school problems sooner rather than later.

The cases were heard Jan. 10—the first heard as part of the new “Truancy Reduction Pilot Program” authorized by House Bill 1443, passed during the 2004 legislative session. The bill was mirrored, in part, after Delaware's successful truancy court, which has been in operation for several years. Like the Delaware truancy court, the Circuit Court for Wicomico County can hear criminal misdemeanors

filed against parents and civil petitions filed against children for failure to attend school. Hearings are scheduled regularly, every 30 days, so the court can monitor the child's school attendance and compliance with orders. The truancy court brings together legal professionals, school professionals, substance abuse treatment providers, and mental health specialists to address family issues and problems that are manifesting themselves in poor school attendance.

Under the pilot program, Wicomico County pupil personnel workers file petitions and appear before the county's Circuit Court for hearings in one of two types of cases. Currently, a parent who permits a child to miss school unlawfully can be found guilty of a criminal misdemeanor. Although those cases have generally been filed in District Court, circuit courts share concurrent jurisdiction over criminal matters filed under the Education Article of the Maryland Code. In the pilot program, cases are filed in juvenile court and assigned to a truancy docket. The new law also created a civil charge that can be filed against a child for failure to attend school. The new charge is neither a delinquency action nor a Child in Need of Assistance

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Charting Our Progress, cont. from prev. page

custody, and mental health evaluations, legal services for the self-represented, co-parenting education, psycho-educational services for children, child representation, visitation services, and others. Ideally, each of those fields would have some mechanism to promote quality assurance within the field, ethical standards, training standards, a method for qualifying individuals within the field, and perhaps even professional organizations where they could exchange ideas and promote the field. Some of these are beginning to be addressed in a variety of contexts. As Maryland's family court reform efforts continue to mature, it will be important to take up these issues in earnest.

Checking Off the Box. There are still a lot of empty cells on my chart, but things are starting to look up. As I mark the completion of the *Best Practices* documents, I get a little thrill. By the time this issue is released, the Custody Subcommittee, under the direction of Baltimore City Circuit Court Judge Marcella Holland, will have met to finalize a draft set of guidelines for attorneys appointed to represent children in custody cases. After a thorough vetting, I look forward to the day when I can check off that box too. It will do my chart-enthralled heart some good!

Baltimore County Employment Program,

cont. from p. 1

The new program combines court oversight, case management, employment referral, and employment training to help non-custodial parents who have been delinquent with child support payments get back on track so they can contribute financially to the well-being of their children.

The program aims to increase accountability and employment opportunities for non-custodial parents who owe child support. Through FESP the court will also assist non-custodial parents to improve their relationships with their children, ideally increasing both the emotional and financial support those parents provide.

In November, the court hired Janet Glover-Kerkvliet to be the chief employment coordinator. Janet was previously employed by Genesis Jobs and has been working in the job assistance field for the past five years. The court planned to hire another employment coordinator this February and to open a satellite office on the east side of Baltimore County, where unemployment levels are highest. Since the court began referring parents to FESP in December, 32 individuals have entered the program.

Based in the Family Division, FESP accepts client referrals from the Baltimore County Office of Child Support Enforcement, judges and masters. Individuals with a Baltimore County child support order may also volunteer for the program. Each participant is required to meet weekly with a court employment coordinator, actively seek employment, retain employment, and pay child support.



An employment coordinator determines each individual's employment skills and training needs and, if necessary, makes referrals to job training. Court employment coordinators also recruit local employers as referral sources. Monitoring and periodic court reviews are an essential component of FESP.

Court employment coordinators will monitor each participant's progress and report to the court. Participants will be required to appear before the court periodically to report on their progress. All participants will remain under the supervision of the court for one year.

Making a Difference, One Child at a Time

Linda Koban, Assistant Director, CASA Baltimore

The Court Appointed Special Advocates (CASA) organization plays such an essential role in Baltimore City juvenile court today that it is difficult to imagine that six years ago CASA Baltimore verged on organizational extinction. When Susan Burger accepted the position of executive director in January 1999, the agency was in disarray and the resources were depleted. The board, the staff, the corps of volunteers, and the children being served were scattered and had little direction.

Burger tracked down the missing pieces and persons that were still viable and the rebuilding began. While assessing the remnants of the prior existing board, establishing contact with volunteers on the job, recruiting new volunteers, identifying case referral mechanisms, and scouting for opportunities for financial support, Burger addressed what was probably the greatest challenge, re-establishing credibility with the court.

After a series of disappointing directors who failed to follow up with children who were referred, the new executive director set out to convince the legal community that this time CASA was genuine. She met repeatedly with judges, masters, and attorneys, soliciting their views on how CASA could assist the court and crafting the most effective referral mechanisms. She established a flexible relationship with the court and procedures were adjusted to serve the needs of the Judiciary and the attorneys better.

Most importantly Burger assumed responsibility for ensuring quality training for volunteers and providing comprehensive fact-based reports to the court. Court reports are all reviewed and edited by staff supervisors before presentation to the judge or master.

Since the rebirth of CASA, approximately 250 volunteers have been trained and assigned to hundreds of Baltimore City children. The current staff includes a former juvenile court master, two attorneys, a social worker, and a recruitment specialist.

The value of the reports is reflected in the bench's careful review of the narrative and the recommendations, often resulting in questions to the attorneys or the CASA volunteer about whether proposed court orders sufficiently address the family's needs.

CASA volunteers are making a meaningful difference in children's lives, speaking for them at Individual Education Plan (IEP) meetings and professional staffings, advocating for appropriate placements, accessible therapeutic services, and sibling visitations, and specifically addressing the issues in each individual case. It is not unusual for the CASA volunteer to be the most knowledgeable person in the courtroom during a case and to have had the longest relationship with the child. Of course this is due to the tremendous volume of cases in Baltimore City, and the crushing case-loads maintained by social workers, attorneys, and the courts.

And that is where the frustration lies. CASA is serving only a small percentage of the 8,000 children placed outside their homes in Baltimore. CASA volunteers are not requested as often as they could be by members of the legal community. The biggest obstacle may be the difficulty of recruiting volunteers who are able to commit to training and willing to stay with a case for one year. All volunteer-based organizations report greater difficulty in recruitment and retention; perhaps our lives have become too complicated and demanding to permit us several hours a week for volunteer work. But we also hear that the city seems so hopeless, its problems so intractable, and its neighborhoods so riddled with criminal activity, that it is impossible to make a difference.

CASA Baltimore volunteers know that is a misconception. CASA is making a difference one child at a time, and that difference is being noticed. CASA volunteers don't deal in cases. We work with lives, opportunities, and the futures of children.



Friday,
May 13, 2005

Sheraton
Columbia
Hotel and
Conference
Center

Columbia, MD

Better Decision-Making for Children

THE 2005 ALTERNATIVE DISPUTE RESOLUTION and CINA COURT CONFERENCE

The Foster Care Court Improvement Project is hosting the Second Biennial Alternative Dispute Resolution (ADR) and CINA (Child in Need of Assistance) Court Conference on Friday, May 13, at the Sheraton Columbia Hotel and Conference Center. The invitational conference is designed to bring together various CINA stakeholders including juvenile judges and masters; attorneys representing children, agency staff, and parents; case managers; Court Appointed Special Advocates; mediators; family support services coordinators; and permanency planning liaisons to discuss the use of ADR in child welfare cases.

The FCCIP hosted the first biennial conference on this topic in April, 2003. At that conference, many participants were first introduced to the idea of using ADR in cases involving child welfare issues. That event focused on the different types of ADR and how to start a program in local jurisdictions. The second biennial conference will explore topics ranging from program development and implementation to program evaluation. Conference planners are hoping for a good mix of professionals, from policy developers to those on the front lines.



Truancy, cont. from p. 3

action. It represents a new way to address the needs of children whose parents have been unable to keep them at school and who may need additional guidance to keep them from going too far afield.

If a child is charged civilly and the allegations are proven, the court may order the child to attend school, perform community service, attend individual or family counseling, participate in substance abuse evaluations and treatment, undergo a mental health evaluation, and keep a curfew.

Master L. Bruce Wade, who will be hearing many of the cases filed under the program, ordered both children who were before the court Jan. 10 to participate in a comprehensive evaluation. The evaluation and any recommended services will be provided through the community partnership coordinated by the Wicomico County Local Management Board.

Wicomico County pupil personnel workers selected the two initial cases because they felt that they had done all they could to induce those children to attend school, with no success. Once the truancy program is up and running, pupil personnel workers will be able to involve children before they have missed so much school. Then they can increase the likelihood that children and their families can be re-engaged in school quickly and effectively.

Innovative Special Projects

Somerset County Child Advocacy Center



Somerset County Department of Social Services (DSS) has worked collaboratively with the Local Management Board and the Family Services Program to develop a Child Advocacy Center. The center will provide a child-friendly, neutral environment in which to conduct forensic interviews when investigating child maltreatment cases. The center was made possible, in part, through a one-time Special Program Grant provided by the Department of Family Administration.

DSS has chosen an off-site location that will promote feelings of safety and encourage children to feel less threatened during the investigation process. The selected facility has a child interview room that is equipped with audio and visual technology to allow law enforcement and the State's Attorney to monitor and participate in the interview in a non-intrusive manner. The interview room has a digital recorder routed to a computer monitor in a separate conference room.

Typically a trained social worker will interview the child to avoid multiple traumatic interviews. Through the interviewer's earpiece, law enforcement and a State's Attorney will have an opportunity to guide the interviewer to obtain specific information or request clarification, as necessary. The facility also has a waiting room for parents and/or guardians, a play room for siblings, office space for child protective services investigators, local police officers and a representative from the State's Attorney's office. The center

was established at the recommendation of the Citizen's Review Panel, which recognized the need when reviewing abuse cases.

This special project is a positive example of how multiple agencies can come together to protect children. DSS has worked with law enforcement and the State's Attorney to restructure the investigative process. The local management board requested and received a grant to pay rent and utilities. The Department of Family Administration has provided a grant for equipment, supplies, and furniture for the center and Karen Brimer, family support services coordinator for Somerset County Circuit Court, has worked with the agencies to see the center through to completion.

A dedication ceremony for the Somerset County Child Advocacy Center will be held April 15 from 1 to 3 p.m. at 12091 Somerset Ave., Princess Anne. Judge Daniel M. Long, administrative judge for the

First Judicial Circuit, will participate in the opening ceremony.



Committee on Family Law Update

The Committee on Family Law met between November and January to discuss a variety of topics.

Best Practices Documents

The committee completed its work reviewing and revising two documents designed to guide courts in the management of key programs. The *Family Court ADR Program Best Practices* and *Best Practices for Programs to Assist Self-Represented Litigants* were revised and approved by the committee. In January, those documents were presented to the Conference of Circuit Judges which approved them.

Screening Tools and Protocol

The committee reviewed a protocol and tools designed to assist courts in screening domestic cases for family violence issues and determining when mediation is appropriate in such cases. The tools and protocol were developed by a small task force of domestic violence advocates from the Maryland Network Against Domestic Violence who have been meeting regularly with the Department of Family Administration. The documents were forwarded to the Domestic Violence Subcommittee for their review and comments.

Child Support Subcommittee

The Child Support Subcommittee met to review proposed legislation on Feb. 2. Comments were forwarded to the larger committee.

Custody Subcommittee

The Custody Subcommittee continues its work on a draft set of guidelines for attorneys appointed to represent children in custody cases. The subcom-

mittee met for a longer meeting Feb. 22 to work on completing the draft.

Domestic Violence Subcommittee

The Domestic Violence Subcommittee met in December. This fiscal year, in addition to reviewing legislation, the subcommittee will be working on several key projects:

- The subcommittee will be redrafting the Domestic Violence Benchbook at the request of the Benchbook Revision Oversight Committee.
- The subcommittee will also be troubleshooting issues raised by judges regarding some of the fields used in the DV Wizard application used by both circuit courts and the District Court.
- Finally, the subcommittee will be reviewing the draft screening tools and screening protocol at the request of the larger committee.



Juvenile Subcommittee

The Juvenile Law Subcommittee has begun to discuss and forward their position on legislation to the Family Law Committee. Master Erica Wolfe, the committee chair, announced that the Child Abuse, Neglect and Delinquency Options Judicial Conference for 2005 will be held at Rocky Gap Lodge and Golf Resort from Oct. 16-19. The Delinquency Day is scheduled for Oct. 19. The planning for the plenary sessions and open forums for Delinquency Day is nearing completion.



Recent Family Law Decisions

Family Matters highlights recently reported decisions of the Maryland Court of Appeals and Court of Special Appeals that address family law issues. Copies of reported opinions are available online at <http://www.courts.state.md.us/opinions.html>.

COURT OF APPEALS

Antenuptial Agreements

Cannon v. Cannon, No 48, September Term, 2004. Filed Jan. 12, 2005. Opinion by Harrell, J.

A confidential relationship exists as a matter of law between the parties to an antenuptial agreement where marriage is the consideration for the agreement. Because of this confidential relationship, the burden of proof to establish the validity of an antenuptial agreement is upon the party seeking to enforce the agreement. That party must prove that there was no overreaching, such that there was no unfairness or inequity to the other party at the time the agreement was entered.

Here the agreement was valid because the wife had adequate pre-disclosure and knowledge of the financial and property items at issue, knew the effect of her waivers, and entered into the agreement voluntarily, although without the advice of legal counsel. In this case there was no overreaching in the execution of the agreement, even though the reason the husband wanted the agreement was to protect himself from the consequences of a prior bankruptcy filed by the wife and her former husband.

Child Abuse and Neglect

Taylor v. Harford County Department of Social Services, No. 51, September Term, 2004. Filed Dec. 9, 2004. Opinion by Cathell, J.

Where an act by a parent or caregiver is injurious to that person's child, and the injury was unintentional, the act should not constitute "indicated" child physical abuse unless it can be shown to have been reckless conduct.

Father was not properly found responsible for indicated child abuse where he kicked a footstool in anger that accidentally flew up and hit his daughter in the face. The administrative law judge (ALJ) applied an incorrect foreseeability of harm standard in

reviewing this case. The ALJ should have considered the "ruled-out child abuse" provision found in CO-MAR 07.02.07.12C(2)(a)(i) which calls for a determination as to whether "the act causing the injury was accidental or unintentional and not reckless or deliberate."

Social Work-Client Privilege

Jane Doe et al. v. Maryland Board of Social Work Examiners, No. 18, September Term, 2004. Filed Dec. 9, 2004. Opinion by Cathell, J. Raker and Battaglia, J.J. Dissent.

Where the Legislature has specifically provided a health agency such as the Maryland Board of Social Work Examiners with the power to issue subpoenas for the purpose of investigating allegations that one of its licensees committed serious violations of professional duties, the social worker-client privilege existing under Md. Cts. & Jud. Proc. Code §9-121(b) must yield to such an investigation. The constitutional privacy rights of the social worker's patients in the subpoenaed treatment records are not absolute.

The interests of having the conduct of a licensed social worker, accused of violating statutory duties, thoroughly investigated outweighs the individual privacy rights of petitioners. Here the social worker allegedly failed to report child abuse committed by one of her patients. Dissent: In the dissenting opinion, Judge Battaglia asserts that the state has failed to meet its burden as to why the privacy interests of the social worker's other patients are outweighed by the state's need to investigate the social worker. The enforceability of the subpoena at issue was directed not just at the treatment records of Jane and John Doe but to all the social worker's other clients. Such broad subpoena powers permit the Board to go on a "fishing expedition."

COURT OF SPECIAL APPEALS

Child Abuse and Neglect

Cecil Co. Department of Social Services v. Russell, No. 390, September Term, 2003. Filed Nov. 10, 2004. Opinion by Sharer, J.

Recent Family Law Decisions

An audio tape of appellee's joint interview with Department of Social Services (DSS) and the Sheriff's Department investigators should have been included in the record provided to appellee and the Office of Administrative Hearings. Appellee was not required to request a subpoena to assure its inclusion in the administrative record.

The court rejected DSS' contention that the tape was the property of the Sheriff's Department and therefore not part of their record. Here the interview had been done as part of a joint investigation and the tape was in the custody of both the Sheriff and DSS.

Child Support

Wheeler v. State of Maryland t/u/o Nedia Barrett, No. 337, September Term, 2003. Filed Dec. 27, 2004. Opinion by Hollander, J. **The trial court correctly applied Maryland law when it suspended appellant's child support obligation during the entire period of his lengthy incarceration, reimposed it within his three days of his release, and granted him the right to a hearing on his motion for modification when he is released to establish his ability to pay at that time, provided he notifies the child support agency of his release and provides the agency with information identifying the location of his home and any employer.** The reinstatement of the obligation within three days of release was not unreasonable as the court will be able to modify the amount he must pay on outstanding arrears to the date of his release, based on his ability to pay at that time. In this case, the appellant is serving a sentence of 20 years to life and will not be eligible for parole until 2016. The child is already 18 years old but appellant will still have an obligation to pay off the arrearage upon his release.

CINA

In re: Nathaniel A., Madeline C., and Shirah A., No. 2850, September Term, 2003 and No. 610, September Term, 2004. Filed Jan. 3, 2005. Opinion by Davis, J. **Trial court did not err in finding younger children CINA based on harm to older child.**

The lower court properly determined that a younger child was at substantial risk of harm where the appellant had fractured the arm of the child's older sibling, had subjected him to 44 unnecessary doctor's visits, suffered from

depression, and refused to seek help or show any change or improvement in her conditions that would lead the court to conclude that the second child, although not yet subjected to harm would, in fact, be subjected to the same harm as the older child.

The trial court also properly found a third child CINA, even though that child had not been born at the time the harm was done to the older child. **The trial court properly took judicial notice of the earlier CINA proceedings against the two older children where the transcripts of the earlier hearings were properly entered into evidence, and where the appellant was expressly afforded the opportunity to call witnesses, including those present during the earlier proceedings, but declined to do so.**

Custody

Burdick v. Brooks, No. 81, September Term, 2004. Filed Dec. 30, 2004. Opinion by Adkins, J.

Trial court denied appellant due process when it sua sponte awarded temporary custody of the youngest children to the appellee after a hearing that both parties had been notified would be a 15-minute status conference which was "not a hearing or trial," and at which "there won't be time for witnesses to speak."

"[I]f a court is contemplating holding a hearing at which it will, or may, determine custody issues, a parent with custodial rights ... must be notified that such an issue may be the subject of the hearing." *Van Schaik v. Van Schaik*, 90 Md. App. 725, 738 (1992).

The trial court also erred in awarding a change in custody because of appellant's refusal to comply with an evaluation. "The court's objective is not ... to punish the less capable parent; rather, the court seeks to effectuate that arrangement which will promote 'the best interest of the child.'"

Hughes v. Hughes, 80 Md. App. 216, 231 (1989). Neither party had requested a change in custody. The trial judge decided to award the change in custody based on reports from a psychologist detailing appellant's lack of participation in a court-ordered evaluation.

Finally, the trial court erred in modifying the child support obligation without applying the Maryland

[cont. on next page](#)

Recent Family Law Decisions

Child Support Guidelines. In awarding custody of three of four children to the appellee, the court reduced the award by 75 percent, without reapplying the guidelines. “[A] single amount to be paid periodically for the support of more than one child [is] not subject to an automatic pro rata reduction...” *Tidler v. Tidler*, 50 Md. App. 1, 11 (1981).

Koffley v. Koffley, No. 46 and No. 910, September Term, 2004. Filed Jan. 25, 2005. Opinion by Murphy, C.J.

The appeal of a custody order does not divest the circuit court of jurisdiction to modify that order and/or enter a “new” custody order upon proof that, as a result of a material change in circumstances, a change of custody pending appeal is in the child’s best interest. Appellant had filed an “Emergency Motion to Immediately Vacate Custody and Visitation Orders and to Transfer Custody of [Child] to Appellant,” with the Court of Special Appeals, asserting that the circuit court did not have jurisdiction to continue to modify custody and visitation once an appeal was pending. That motion should have been presented to the circuit court in the first place. Motion denied.

The court also dismissed other procedural arguments made by the appellant, including the assertion that the trial judge should have recused himself because the appellant had written a complaining letter about the trial judge to the Chief Judge of the Court of Appeals, and as a result the trial judge was now prejudiced against her. “[T]he fact that a litigant has made a complaint against the trial judge does not require that the trial judge grant the litigant’s recusal motion. To hold otherwise would vest every dissatisfied litigant with the power to recuse the trial judge.”

Schenk v. Schenk, No. 2349, September Term, 2003. Filed Oct. 28, 2004. Opinion by Thieme, J.

The lower court did not err in awarding joint legal custody and also providing in the event that the parties cannot agree on decisions, that the wife shall have the authority to make the final decision. “To avoid endless litigation that seems generic to family law, the domestic bench is . . . faced with a dilemma . . . either award the legal

custody to a single parent, or chronically anticipate post-divorce disputes by proactively including provisions in its custody decree, e.g., ordering the use of a mediator, either selected by the court or the parties themselves to resolve such conflicts.” The court’s adoption here of a “tie-breaker” was another proactive provision to anticipate a post-divorce dispute and is permissible as one of “multiple forms” of joint custody “that can be tailored into solutions for each unique family, in keeping with the ‘broad and inherent power of an equity court to deal fully and completely with matters of child custody.’”

The lower court improperly awarded appellee mother child support calculated on the hypothetical assumption that she would be working full-time when in fact she was only working part-time. Here the court had found the mother had voluntarily impoverished herself by working part-time. The court imputed a full-time income to mother and then assumed to meet that she would need full-time child care. In fact, mother never sought full-time employment.

Divorce

Allison v. Allison, No. 207, September Term, 2003. Filed Oct. 28, 2004. Opinion by Salmon, J.

A spouse who pays reasonable attorney’s fees connected with a divorce proceeding out of marital funds is not guilty of dissipating marital funds. Citing a law review article, the Court of Special Appeals concurred that as the law permits divorce, it should permit parties to spend funds for legal services in divorce proceedings from marital assets. Spouses do not often have their own separate funds to pay their lawyers. In Md, as income earned during separation is also marital property, it would be difficult to pay legal fees without spending marital funds. **The trial court failed to project what, if any, future income the wife would earn with retraining before awarding indefinite alimony.** To make an award of indefinite alimony . . . the court must make a “projection [of the dependent spouse’s future income] to the point where maximum progress can reasonably be expected.” *Roginsky v. Blake-Roginsky*, 129 Md. App. 132, 146 (1999).



New Documents

Provide Guidance, cont. from p. 1

The working group which drafted the original version of the document began by identifying key values underlying family ADR programs. Those included:

- access to justice;
- balancing the needs of families, ADR professionals, the community, and the court;
- promoting family self-determination and empowerment;
- safety for all participants; and
- quality processes.

Key issues in each of those areas were identified, and recommended practices for addressing those issues are included in the document.

The final product is designed to provide guidance only on program management. The *Best Practices* do not offer guidance on how to promote the quality of individual mediator performance or mediator certification. Those initiatives are being addressed instead by MACRO's "mediator quality assurance" initiative.

Family Law Programs to Assist the Self-Represented

A similar project grew out of a joint meeting of family support services coordinators, Family Division administrators, individuals and organizations serving the self-represented through court-based programs, and staff of the Department of Family Administration and the Maryland Legal Assistance Network (MLAN). That group set out to identify recom-

mended practices to guide courts in the management of family law self-help programs. The document was reviewed and revised by the Judicial Conference Committee on Family Law.

Notably, the document recommends courts abandon Latin terminology that may make it difficult for self-represented litigants to understand the court system. The name of the document itself was affected in the process, and all references to "*pro se* litigants" and "*pro se* assistance projects" were abandoned in favor of "self-represented litigants" and "family law self-help programs or centers."

The *Best Practices for Programs to Assist Self-Represented Litigants in Family Law Matters* identifies and addresses issues relating to:

- ensuring access to appropriate levels of service;
- service delivery;
- program outreach;
- access, language, and literacy;
- program staff; and
- quality assurance.

Where to Find the Documents

Copies of both best practices documents are available online at: <http://www.courts.state.md.us/family/otherpublications.html>.

Printed copies will be distributed to court personnel. They are also available upon request by calling the Department of Family Administration at 410/260-1580.



Foster Care Court Improvement Project (FCCIP) Update



The Foster Care Court Improvement Project (FCCIP) is working with the National Council of Juvenile and Family Court Judges (NCJFCJ) to establish two Model Court Programs in Maryland—one in Baltimore City and one in Montgomery County. The NCJFCJ's Model Court Project is a national network of child abuse and neglect courts

committed to shaping their court systems to better respond to the needs of child victims and their families. The FCCIP is excited about having two juvenile courts committed to working with the NCJFCJ and alleviating challenges in their child welfare system.



The FCCIP has also commenced to develop a “Best Practices” manual for Child in Need of Assistance (CINA) and related cases. This initiative largely resulted from issues that emanated from the federal Child and Family Services Review (CFSR). The “Best Practices” manual will address practices regarding early identification of parents and frequent court continuances. The manual is scheduled to be finalized in the late summer.

CINA Subcommittee

The CINA Subcommittee completed its draft of the TPR/Adoption legislation, Permanency for Families and Children Act of 2005. The legislation was submitted in both the House (House Bill 826) and the Senate (Senate Bill 710). For more information, please contact Althea R. Stewart Jones, Esq., FCCIP Director, at 410/260-1296.

Representation Subcommittee

Reviewing the appellate process, including appellate representation, is the current focus of the Representation Subcommittee. It is also finalizing the Early Parent Identification Litany form that will

be included in the “Best Practices” manual. Invitations to the attorneys for the annual conference have been sent out and registration is underway. For more information regarding registration for the attorneys, please contact Hope Gary, Esq., FCCIP Specialist at 410/260-1728.

Statistics Oversight Subcommittee

The Statistics Oversight Subcommittee will be sponsoring a biannual training for clerks and other court personnel. There are plans to have a beginning class or refresher class in the spring and an advanced training for more seasoned clerks and court personnel in the fall.

The FCCIP has hired a new database support technician, Harry Amarantidis. Amarantidis is working with Judicial Information Systems and local vendors to commence producing the monthly and aggregate statistical reports. Questions regarding the reports should be directed to Harry Amarantidis at 410/260-1267 or Beverly S. Schulerbrandt, Esq., at 410/260-1428.

Training Subcommittee

Western Maryland's Rocky Gap Resort and Lodge in Cumberland, Md., will be the site of the Eighth Child Abuse, Neglect, and Delinquency Options (C.A.N.D.O.) Conference scheduled for Oct. 17-19. In addition to juvenile judges and masters, some attorneys, court personnel, and agency representatives will be invited to the conference's first day, which will focus on day-to-day practices in CINA cases.

The second and third day of the conference will be for judges and masters only, with the third day focused on delinquency issues. For more information or questions regarding the conference, please contact Tracy Watkins-Tribbitt, MSW, assistant director of the FCCIP at 410/260-1272. For information regarding the delinquency portion of the conference, please contact Will Howard, Ed.D, assistant administrator at 410/260-1298.



mark your calendar

March 21, 2005	Committee on Family Law Meeting Annapolis, Md.	Pamela Ortiz 410/260-1580
March 31, 2005	Helping Spanish Speakers Navigate the Family Justice System: An Orientation for Organizations Serving the Hispanic Community Annapolis, Md.	Pamela Ortiz 410/260-1580
April 4-5, 2005	Family Law Course, Judiciary Professional Development Course. Annapolis, Md.	Anne-Marie Baikauskas 410/946-4904
April 15, 2005	Dedication of the Somerset County Child Advocacy Center, Princess Anne, Md.	Karen Brimer 410/651-4618
April 16, 2005	Run for a Reason - 1 st Annual Ocean City Marathon to Benefit Lower Shore CASA. Ocean City, Md.	Lower Shore CASA 410/629-1224
April 20, 2005	Domestic Violence Subcommittee Meeting Annapolis, Md.	Pamela Ortiz 410/260-1580
April 25, 2005	Governor's 12 th Annual Conference on Child Abuse and Neglect. Baltimore, Md.	OCYF 410/767-4160
May 13, 2005	2 nd Biennial Foster Care Court Improvement Project Alternative Dispute Resolution and CINA Court Conference. Columbia, Md.	Beverly Schulerbrandt 410/260-1428
May 18-21, 2005	Solving the Family Court Puzzle: Integrating Research, Policy and Practice. 42 nd Annual Conference of the Association of Family & Conciliation Courts, Seattle, WA	AFCC 608/664-3750
May 23, 2005	Coordinator Meeting Annapolis, Md.	Chris Richards 410/260-1580
June 13-17, 2005	40-Hour Basic Mediation Course Annapolis, Md.	Jennifer Keiser 410/260-1580
July 25-27, 2005	20-Hour Child Access Mediation Course Annapolis, Md.	Jennifer Keiser 410/260-1580
Sept. 23, 2005	A Family Disease: The Impact of Addiction and Substance Abuse on Children, Families, Family Courts and Communities. A Conference of the MD Family Div. and Fam. Services Programs Timonium, Md.	Sharon Curley 410/837-5615
Oct. 14, 2005	Representing Children: An Eastern Shore Family Court Conference. Cambridge, Md.	Karen Brimer 410/651-4618
Oct. 17-19, 2005	8 th Annual Child Abuse, Neglect & Delinquency Options (CAN DO) Conference. Rocky Gap, Md.	Tracy Watkins-Tribbitt 410/260-1272

Two New Masters Join Howard County

Two new masters started hearing cases in the Circuit Court for Howard County in December. The positions had been vacated by the recent retirements of masters Bernard A., 'Andy' Raum and Nancy Haslinger.

Mary M. Kramer

Mary M. Kramer is a graduate of both the University of Maryland School of Law and West Virginia University, where she received an undergraduate degree in speech communication. She began her legal career in private practice, first as an associate in a small firm, and later in two partnerships. Before



becoming a master, Master Kramer was a solo practitioner for 10 years in Baltimore County, concentrating in the area of domestic relations.

Master Kramer has always included *pro bono* and other efforts to advance the legal field in her work while in private practice. Her past services included answering the Family Law and Legal Forms Hotline, taking one to

two Maryland Volunteer Lawyers' Service referrals each year, coaching a mock court team for three years, participating in the peer review process with the Attorney Grievance Commission, and participating as a speaker in state and county bar association meetings. She also was lead attorney at the Baltimore County *Pro Se* Project for three years. In addition, she has taught an introduction to law class at a local community college.

In her spare time, she enjoys spending time with her husband Doug, her sons, Robert and Sam, and her miniature dachshunds, Bubba and Bandit. For stress relief, she does cardio kickboxing and cross-word puzzles.

William V. Tucker

Master William V. Tucker has been married to his wife, Nancy, for 19 years and has two children, Brad, 12, and Andrew, 9. Master Tucker was born and raised in New Jersey and moved to Maryland in 1988. He received a B.A. in 1988 with a concentration in political science and graduated from the University of Maryland School of Law.



While in college Master Tucker served as an emergency medical technician for the Plainfield Rescue Squad in Plainfield, N.J., before working as a police officer for the Hillsborough Township Police Department, also in New Jersey.

After law school he served as a law clerk for Judge James B. Dudley in the Circuit Court for Howard County. After his clerkship in 1992 he became an assistant state's attorney for the Howard County State's Attorney's Office, working in the District Court Division. He served subsequently as a supervisor of the Juvenile Division of the State's Attorney's Office. During that time, he was awarded the Howard County Chamber of Commerce Award, known as the Prosecutor of the Year Award. Master Tucker left the State's Attorney's Office in 1998 to enter into private practice where he focused on criminal, traffic, domestic violence, family law, CINA proceedings, and administrative hearings.

Master Tucker has served as a speaker and presenter on a variety of topics for the Judicial Institute, the Maryland State Highway Administration, the Howard County Bar Association, and the Howard County Police Department.

Around Maryland



Baltimore County

In a new program launched Nov. 5, the Circuit Court for Baltimore County began using voluntary domestic lawyers to facilitate contempt petitions with financial issues. A total of 51 attorneys have volunteered to act as facilitators in these contempt cases. The court provided a day-long training session for the volunteer lawyers on Oct. 1. The court continues to send contempt cases with child access issues to the Office of Family Mediation.

Harford

A significant percentage of *pro se* custody cases involve a request for custody by someone other than a parent. In order to ensure that a person to whom custody is given is able to provide a safe and appropriate home, the Circuit Court for Harford County initiated a Kinship Care Program. When a non-parent requests custody, the court first evaluates whether a temporary custody order is appropriate. The matter is then referred to the Office of Family Court Services for an investigation of the petitioner and the home setting. The office conducts a psycho-social assessment of the relationship between the child and the petitioner. In addition, the office may refer petitioners to various public programs where they can obtain assistance with the care of children. A full report is prepared and filed with the court. A hearing is held approximately 30 days after the initial order is signed, and if the judge determines that it is appropriate to give the petitioner custody, an order is signed. If the social worker has recommended that the petitioner be required to participate in a parenting program or other program offered by the Department of Social Services, that recommendation may be made a condition of the custody order.

Prince George's

In his continued oversight of the Circuit Court's Self Represented Litigants (SRL) Orientation Program, Perry Becker, Esq., scheduled and held one session at the New Carrollton Library and one at the Bowie Library. This was done

in an attempt to reach out to citizens who were unable to travel to the courthouse in the evening because public transportation is not available after 6 p.m.

Patricia Perez, Esq., the court's liaison for the improvement of Hispanic services, will be a guest of the Hispanic Bar Association meeting to seek volunteers for the presentation of the SRL Orientation Program in Spanish. The curriculum for the program has been translated and will be available to attorneys willing to spend an occasional evening presenting the program.

The court received a \$16,000 grant from the Children's Justice Act that will assist the court in the hiring of two part-time certified staff to oversee the Children's Waiting Room.

Queen Anne's

Administrative Judge Thomas G. Ross and the staff of the Circuit Court for Queen Anne's County hosted their annual Foster Care Christmas Celebration for children in care on Dec. 15. Santa (Daniel D. Rosendale, Esq.) and elf (Scott Mac-Glashan, Clerk of the Circuit Court) arrived by horse-drawn sleigh. The children enjoyed craft activities, Christmas music, and a turkey dinner.



St. Mary's

The St. Mary's County Juvenile Drug Court was awarded a federal implementation grant in the amount of \$223,896 for three years. In addition, the St. Mary's Drug Court Team attended the third training session titled "Operationalizing Your Juvenile Drug Court," held Sept. 20-23 in Boston, Mass.

Worcester

The Family Division hosted a "Teen Court Stakeholders" meeting Sept. 29 to determine county-wide interest and commitment to the development of a Teen Court Program in Worcester County. Twenty-six people attended from law enforcement, schools, juvenile services, mental health, local management board, public defender, and the State's Attorney's Office. The group collectively agreed to pursue the development of a Teen Court Program in Worcester County.

NEW FACES TO WELCOME

Chris Richards

The Department of Family Administration would like to extend a warm welcome to Chris Richards. Chris recently came on board as the Department's administrative assistant. Chris brings with her many years of experience. Prior to her arrival at the AOC, Chris served as the office manager for Birchfield Jacobs Food Systems in Annapolis for 14 years.

When she is not working, Chris enjoys spending time with her family. She and her husband of 35 years have three children, one 5-year-old granddaughter and are expecting the arrival of a new grandson soon! Chris and her family are also very excited about preparing for her daughter's June wedding. An avid seamstress, Chris has taken on the sole responsibility of making her daughter's wedding gown as well as all of the bridesmaids' gowns. She is very proud that her talents can be a part of her daughter's big day. When she is not quite as busy she enjoys doing needlework and she and her husband enjoy sailing.

When asked about her future goals, Chris advised that she would one day like to finish remodeling her house and stay in it. She jokes that being married to the owner of a design and build firm always leaves them with many home improvement projects. Once this "home improvement" couple remodels the house, her husband is ready to sell and move on to the next project! Currently she has one room at home that is completely finished and is hopeful that the rest of the house will be completed soon. The Department is extremely pleased that Chris has come aboard!



Harry Amarantidis

The Foster Care Court Improvement Project (FCCIP) would also like to welcome Harry Amarantidis on board. Harry has joined the FCCIP staff as the Database Support Technician. Prior to joining the FCCIP, Harry served as the construction project manager and IT specialist for his family-owned business, a high-end custom furniture and contracting business.

Harry is very pleased that this opportunity has afforded him a vehicle to work towards his immediate goal of developing his new career in database systems administration and computers. When he is not running the family business or working at the AOC, Harry enjoys photography. He has enjoyed taking pictures since the age of 14, when his dad bought him a camera for Christmas. He states that he enjoys taking candid or unposed shots the best. Harry likes to "people watch" and then waits for an opportune time to snap a photo. Although he prefers candid shots, he states that he did not know how good he was until he took some scenic photographs of the Ruins of the Poseidon in Greece during the winter.

A native Baltimorean, Harry is very active in his community and is particularly proud of his involvement with his church. He has taught Sunday school for almost seven years and is often rewarded when he observes that the children have been able to learn what he has taught and apply it to everyday life. He quips that he often learns as much from them as they do from him. The Department of Family Administration and the FCCIP welcome Harry aboard and look forward to a great working relationship!



Actuarial Tools Can Enhance Risk Assessment

Custody and mental health evaluators gathered on March 5 in Annapolis to learn the benefits of using actuarial-based risk assessment tools. Dr. Kathryn Seifert, founder and executive director of Eastern Shore Psychological Services, discussed tools and techniques forensic evaluators can use to assess future risk of violence or sexual offending by juveniles as well as adults. She urged evaluators to use risk assessment tools that meet the same validity requirements used for other types of psychological testing. Many of the tools discussed can be administered by social workers or others, without extensive training.

Dr. Seifert noted in her presentation that research has shown that "unaided clinical judgment used to assess future risk of violence or sexual

offending is no better than chance." She also focused on tools that can be used to help evaluators recommend techniques for managing violent or other problem behavior. The seminar also included a discussion of competency, admissibility, and other topics relevant for custody and mental health evaluations.

The seminar was followed by a meeting of forensic evaluators. Participants discussed ways to improve the field and the quality of evaluations in Maryland. Evaluators urged the creation of a set of "best practices" to guide courts and evaluators.

The Department of Family Administration sponsored this half-day seminar and meeting for forensic custody and mental health evaluators.

A Conference of the Maryland Family Divisions and Family Services Programs

A Family Disease: The Impact of Addiction and Substance Abuse on Children, Families, Family Courts, and Communities

When: Friday, Sept. 23, 2005 Where: Loyola Conference Center, Timonium, MD

Judges, masters, coordinators, and court professionals from all disciplines will have an opportunity to learn about promising practices in addressing the substance abuse issues underlying many types of family-related cases. The University of Baltimore's Center for Families, Children and the Courts is planning the conference which will be held Sept. 23 at the Loyola Conference Center in Timonium. This one-day event will feature nationally-known speakers on a variety of topics including the science of addiction, the impact of addiction and substance abuse on families and children, juvenile substance abuse, the importance of addressing addiction in the context of the *Performance Standards & Measures*, and community resources available to courts. One outcome of the conference will be a benchbook for courts on the topic.

The event was made possible through a Special Project Grant from the Maryland Administrative Office of the Courts, Department of Family Administration, and funding from the Open Society Institute. It is co-sponsored by the Administrative Office of the Courts, the Open Society Institute - Baltimore, the American Bar Association Standing Committee on Substance Abuse, and the University of Baltimore School of Law's Center for Families, Children and the Courts. For information, or to register, contact Sharon Curley at 410/837-5615 or scurley@ubalt.edu.

Grant Schedule for Fiscal Year 2006

The Department of Family Administration will issue Notices of Funding Availability (NOFAs) and will be considering applications for funding for the following grant programs later this spring:

- Special Project Grants
- Court-Appointed Special Advocate (CASA) Program Grants
- Termination of Parental Rights (TPR) Initiative Grants

Funding will be available July 1, 2005. The grant period will run through the end of State Fiscal Year 2006 (July 1, 2005 through June 30, 2006). The grant application process for all three programs will follow the schedule below.

NOFAs mailed	April 11, 2005
Information Meeting for Potential Grantees, 1:00 pm Annapolis	April 28, 2005
Complete Applications Due	May 13, 2005
Grant Award Announcements mailed	June 3, 2005

NOFAs will be mailed to current recipients and other interested persons and organizations. Copies of each NOFA will also be published in the *Maryland Register*. Please contact Chris Richards at 410-260-1580 to be included in the NOFA mailing list.



Department of Family Administration

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